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I'm writing in regards to H.R. 4026, the Local Emergency Radio Service Preservation Act of 2004?

This bill has recently come to my attention as a subscriber of the XM Satellite radio service.

After reviewing the contents of the bill as published at "<http://www.theorator.com/bills108/hr4026.html>" I am writing to urge that you and your colleagues vote against this resolution. Passage of HR 4026 would be a blow to freedom of speech, and free enterprise.

This bill which is backed by the National Association of Broadcasters (NAB) seeks to prevent satellite radio services such as XM Radio and Sirius from broadcasting local or regional content on the pretext that such broadcasts would somehow interfere with local emergency broadcasts by tying up local terrestrial repeaters. If this were even remotely true I'd be in favor of the bill. The fact is however that the bill amounts to nothing more than rhetoric and double talk. The satellite services are already using these repeaters for national broadcast with no ill effects and the addition of local and regional content would actually result in increased chances of emergency broadcasts reaching persons in the fringe areas of conventional broadcasts in the AM and FM bands. It would seem fairly obvious that the NAB is more concerned with avoiding competition in the local markets than they are with the public's welfare. The competition would be healthy for the economy and would be minimal since satellite broadcasts are a pay service and local broadcast radio is free.

As a user of satellite radio while driving for Merit trucking (now owned by Swift), I can attest to the fact that XM can be heard in areas where no other station can get through. Further XM has on more than one occasion prevented an accident or worse by alerting me of hazardous conditions ahead on my route, allowing me time to pull over and plot an alternate route. XM has also helped keep me awake on long night runs when it was very dark and quiet, something conventional radio due to its inherent broadcast range limitations cannot do.

To illustrate the effectiveness of allowing Satellite broadcasts of local traffic and weather a typical scenario would be;

A trucker or passenger car on the way to Phoenix, AZ from Albuquerque, NM is planning on getting off of I-40 at Holbrook, AZ to take AZ Highway 377/87 into Phoenix via Payson, AZ.

Using conventional radio and local traffic and weather updates which are nearly nonexistent between Gallup and Holbrook, the driver takes 377/87 and ends up delayed several hours due to a bad traffic accident at the intersection of Highway 87 and North Bush Highway only a few miles outside of Phoenix.

The passenger car is inconvenienced and has to back track a few miles to try to find an alternate route. The trucker has to turn around and head back to I-40 since it's the only other route he/she can legally take wasting fuel, time and possibly the driver to have to pull over for the mandatory rest period before reaching Phoenix. Had the drivers had the XM traffic reports available, they could have known about the delay and taken I-40 to Flagstaff and I-17 south, minimizing the delay to only an hour or so and helping emergency crews at the accident by having that much less traffic to deal with.

This is a familiar scenario to me as I made the Albuquerque/Phoenix run about once a week while I was driving for Merit.

Sorry I got a bit longwinded. Please fight this bill which would limit free speech and enterprise. It is not in the interests of the public good.

Thank you,  
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